IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO. 1027 of 2006
Date of decision. January 29,2007

DHVPNL and another .....Appellants

Versus

Ram Dutt .....Respondent

CORAM **HON'BLE MR. JUSTICE VINEY MITTAL**

PRESENT Mr. Girish Agnihotri,Advocate
appellants.

VINEY MITTAL , J(Oral)

Defendants are in second appeal. They have failed concurrently before the two Courts below in a suit for declaration and for permanent injunction filed by the plaintiffs. Some observations made by the Appellate Court in dismissing the appeal filed by the defendant may be noticed with advantage:

" The defendants were required to prove that the premises or the ice factory belong to or was in possession of plaintiff Ram Dutt. The defendants were also required to prove that the electricity supply connection to the premises was in the name of Ram dutt. The defendants in the written statement took the plea that plaintiff Ram Dutt and his employee Narain were present at the time of inspection of the premises on 2.5.2002. The staff of the Nigam, however, failed to obtain the signatures / thumb impressions of Ram Dutt on the checking report (Ex. DW1/A) stated to have been prepared on the spot. The copy of the checking report (Ex.DW1/A) shows that it has been signed by one Narain Singh who is stated to have disclosed that the demised premises belongs to plaintiff Ram Dutt. The plaintiff Ram Dutt have categorically denied ownership or possession of the premises. It was incumbent upon the defendants to lead evidence to link the premises with the plaintiff Ram Dutt. The defendants also failed to prove on record that the plaintiff was consumer or an agent of the consumer of the electric supply to the ice factory. The learned trial Court have rightly come to the conclusion that imposition of

penalty on the basis of checking report dated 2.5.2002 (Ex. DW1/A) was illegal and not binding on the right of the plaintiff. The findings recorded by the learned trial Court are well reasoned and calls for no interference."

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to law.

No question of law, much less, any substantial question of law arises in the present appeal.

Dismissed.

January 29, 2007 **(VINEY MITTAL)**
mamta **JUDGE**